

Applicants traversed the restriction requirement, and provisionally elected the claims of Group I (claims 1 and 2) for further prosecution, in their response of June 16, 2000. Applicants also specified 10 sequences for examination, which correspond to glutamyl t-RNA reductase enzyme.

The Office Action further requires that, in the event that Group I is elected, Applicants must elect a single disclosed species of the claimed invention, specifically one of the enzymes listed in sections (a) through (n), because the Office Action asserts that these enzymes are patentably distinct.

Applicants respectfully traverse the species election requirement, and provisionally elect glutamyl t-RNA reductase enzyme for further prosecution. All of the currently pending claims (claims 1 to 9) read on glutamyl t-RNA reductase enzyme.

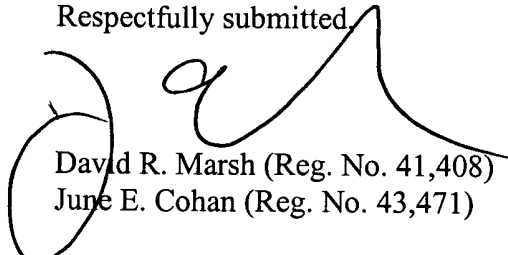
Applicants submit that the complete examination of the application would be most expeditiously handled by treating the species of enzymes as a single entity, because the species are related in that the claimed nucleic acids and enzymes are all associated with the tetrapyrrole pathway in plants. *E.g.*, see Specification at 1, 23. Moreover, when a search is carried out with a specified number of sequences, *e.g.* ten, the burden is made no greater by the fact that the encoded enzymes are different. As Section 803 of the MPEP states, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” This is the case where, as here, the nucleic acid sequences encode distinct proteins.

It is respectfully submitted that the Examiner has not shown that a search and examination of these related species of enzymes would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicant's undersigned representative at (202) 383-7093.

In the event that the Examiner determines that a fee is due for an extension of time, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,



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